

AN ORDINANCE 2006-06-15-0735

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 1.51 acres out of NCB 17971 from "R-6" Residential Single Family District to "R-6" (CD-Two Dwellings per Lot) Residential Single Family District with a Conditional Use for Two Dwellings per Lot.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

- A.** The conditional use will not be contrary to the public interest.
- B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E.** The conditional use will not affect adversely the public health, safety and welfare.

SECTION 4. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 5. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance shall become effective on June 25, 2006.

PASSED AND APPROVED this 15th day of June, 2006.

ATTEST:

Leticia M. Vaz
City Clerk

[Signature]
M A Y O R
For Phil Hennings

APPROVED AS TO FORM:

Dusan Guin
City Attorney

Agenda Voting Results

Name: Z-12.

Date: 06/15/06

Time: 08:04:59 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006104 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Two Dwellings Per Lot) Residential Single-Family District with a Conditional Use for Two Dwellings Per Lot on 1.51 acres out of NCB 17971, 6739 John Marshall as requested by Trinity Construction and Developments, Applicant, for Paul D. Tausch, Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8	Not present			
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

Agenda Voting Results

Name: Z-12.

Date: 06/15/06

Time: 08:05:37 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006104 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Two Dwellings Per Lot) Residential Single-Family District with a Conditional Use for Two Dwellings Per Lot on 1.51 acres out of NCB 17971, 6739 John Marshall as requested by Trinity Construction and Developments, Applicant, for Paul D. Tausch, Owner(s). Staff and Zoning Commission recommend Approval.

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SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8	Not present			
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

**Survey Associates
2544 Boardwalk
San Antonio, Texas 78217
(210) 828-1102**

22006104

STATE OF TEXAS
COUNTY OF BEXAR

1.51 ACRE TRACT
6739 JOHN MARSHALL DRIVE

All that certain tract or parcel of land containing 1.51 acre tract in the City of San Antonio, Bexar County, Texas, out of the Maria G. De Los Santos Survey No. 82, Abstract 664, New City Block 17971, being a the same tract called 2.003 acres (Parcel 30A), conveyed in Deed from the County of Bexar to Tom Cano, of record in Volume 10117, Page 1885, Real Property Records of Bexar County, Texas. Said 1.51 acre tract also being a portion of that certain 108.135 acre tract described in Volume 8169, Page 127, Real Property Records of Bexar County, Texas.

Said 1.51 acre tract, being more particularly described by metes and bounds as follows:

BEGINNING:

at a 1/2" iron pin found located on the Southwest right-of-way line of John Marshall Drive, a 50 foot wide right-of-way, according to map or plat of record in Volume 8000, Page 162, and Volume 8700, Page 94, both of the Deed and Plat Records of Bexar County, Texas, at the East corner of Lot 17 Block 13, New City Block 17964, JOHN MARSHALL, UNIT 3, according to map or plat thereof record in Volume 8000, Page 162, Deed and Plat Records of Bexar County, Texas, for the West corner of this herein described tract;

THENCE:

along with the Southwest right-of-way line of John Marshall Drive, the following courses and distances:
with a curve to the left having a radius of 625.00 feet, a delta angle of 13 deg. 50 min. 18 sec., an arc length of 150.95 feet, and a chord bearing and distance of South 69 deg. 40 min. 06 sec. East, 150.59 feet to a 1/2" iron pin found at the P.T. of a curve;
South 76 deg. 32 min. 00 sec. East, a distance of 31.59 feet to a 1/2" iron pin set with cap;
South 76 deg. 12 min. 46 sec. East, a distance of 182.70 feet to a 1/2" iron pin found at the North corner of Lot 6, Block 21, New City Block 17971, JOHN MARSHALL, UNIT 4A, according to map or plat thereof recorded in Volume 8700, Page 94, Deed and Plat Records of Bexar County, Texas, at the East corner of a drainage easement, shown on plat of record in Volume 8000, Page 161, Deed and Plat Records of Bexar County, Texas, for the East corner of this herein described tract;

THENCE:

South 34 deg. 52 min. 16 sec. West, at 97.98 feet passing a 1/2" iron pin found at the West corner of Lot 6, Block 21, and same being a corner of Lot 1, New City Block 17971, ALEXIS JEAN SUBDIVISION, according to map or plat thereof recorded in Volume 9506, Page 155, Deed and Plat Records of Bexar County, Texas and continuing in all a total distance of 101.79 feet to a point located at a corner of another drainage easement (0.408 acres), according to map or plat thereof recorded in Volume 8900, Page 153, Deed and Plat Records of Bexar County, Texas and same being a corner of said Lot 1, for a corner of this herein described tract;

EXHIBIT A

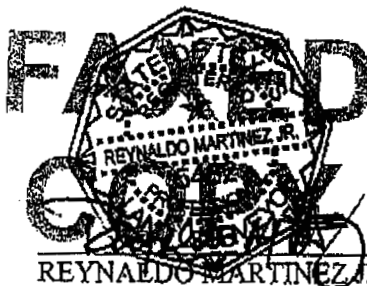
To Ordinance No. _____

Passed on June 15, 2006

Z2006104

- THENCE: South 18 deg. 28 min. 00 sec. West, a distance of 41.35 feet to a point at a corner of said Lot 1, for the East corner of this herein described tract;
- THENCE: with a curve to the left having a radius of 370.00 feet, an arc length of 31.23 feet, a delta angle of 04 deg. 50 min. 11 sec., and a chord bearing and distance of North 70 deg. 42 min. 00 sec. West, 31.22 feet to a point, for a corner of this herein described tract;
- THENCE: with a curve to the right having a radius of 372.76 feet, an arc length of 54.37 feet, a delta angle of 08 deg. 21 min. 24 sec., and a chord bearing and distance of North 69 deg. 41 min. 11 sec. West, 54.32 feet to a point at a corner of said drainage easement (0.408 acre tract), for a corner of this herein described tract;
- THENCE: South 41 deg. 21 min. 10 sec. West, a distance of 129.95 feet along with the Northwest lines of said Lot 1 and said drainage easement, 0.408 acre tract) to a 1/2" iron pin found at the East corner of Woodchase Venture, 7.495 acre tract, of record in Volume 3289, Page 1509, Real Property Records of Bexar County, Texas, for the South corner of this herein described tract;
- THENCE: North 48 deg. 52 min. 05 sec. West, a distance of 277.66 feet along with the Northeast boundary line of said Woodchase Venture, 7.495 acre tract, to a 1/2" iron pin found at the South corner of said Lot 17, Block 13, for the West corner of this herein described tract;
- THENCE: North 41 deg. 04 min. 36 sec. East, a distance of 148.14 feet to the POINT OF BEGINNING.

Bearing Basis - North 41 deg. 04 min. 36 sec. East - from the Southeast boundary line of Lot 17, Block 13, New City Block 17964, JOHN MARSHALL SUBDIVISION, UNIT 3, according to map or plat thereof recorded in Volume 8000, Page 162, Deed and Plat Records of Bexar County, Texas.



REYNALDO MARTINEZ JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 5482
W. O. # 06-2-8E
MARCH 7, 2006
(SEE ATTACHED FIELD NOTES)

SURVEY PLAT

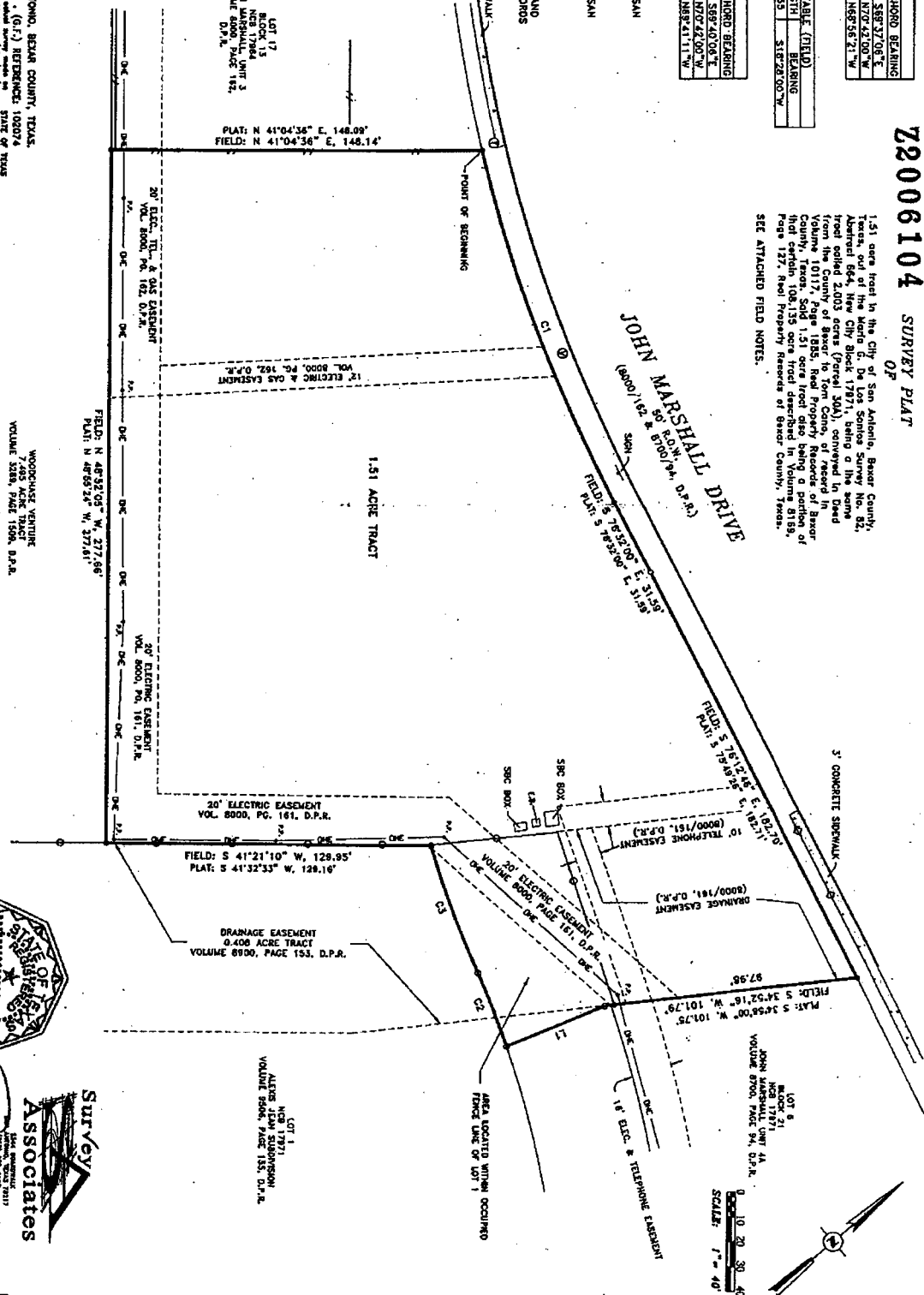
CURVE TABLE (PLAT)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	150.86	825.00	1°48'48"	150.50	S88°37'06"E
C2	31.23	370.00	4°50'11"	31.22	N70°42'00"W
C3	34.10	372.76	8°18'56"	54.05	N69°56'21"W

LINE TABLE (PLAT)			LINE TABLE (FIELD)		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	41.35	S18°28'00"W	L1	41.35	S18°28'00"W

CURVE TABLE (FIELD)				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	150.65	625.00	1°50'18"	150.59 S89°40'06"E
C2	31.23	370.00	4°50'11"	N70°42'00"W
C3	54.37	372.76	8°12'24"	54.32 N88°41'11"W

NOTE:

1. ELECTRIC EASEMENT GRANTED TO THE CITY OF SAN ANTONIO IN VOLUME 2285, PAGE 518. DEED RECORDS OF BEXAR COUNTY, TEXAS.
2. ELECTRIC EASEMENT GRANTED TO THE CITY OF SAN ANTONIO IN VOLUME 5157, PAGE 621. DEED RECORDS OF BEXAR COUNTY, TEXAS.



BUYER: TRINITY CONSTRUCTION

ADDRESS: 6720 JOHN MARSHALL CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS

TITLE INFORMATION PROVIDED BY: STEWART TITLE (G.F.) REFERENCE: 102024

I hereby certify that the above paid is true and correct according to an actual survey made by me or by a duly qualified surveyor for me.

DATE: 10/20/2004 STATE OF TEXAS

WOODCHASE VENTURE
7.495 ACRE TRACT
VOLUME 3289, PAGE 1509. D.P.R.

This is the day of MARCH 20 06 A.D.

D.E. BPL
S.B. A.O / C.M

REYNALDO MARTINEZ, JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 5487

DOO MARTINEZ, JR.
FEDERAL PROFESSIONAL
STREETON Mo. 5482

WORK ORDER NO. 05-2-8E

CASE NO: Z2006104 CD

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from June 1, 2006

Date: June 15, 2006

Zoning Commission Meeting Date: May 02, 2006

Council District: 7

Ferguson Map: 547 F8

Appeal:

Applicant: Owner

Trinity Construction and
Developments

Paul D. Tausch

Zoning Request: From "R-6" Residential Single-Family District to "R-6" (CD-Two Dwellings Per Lot) Residential Single-Family District with a Conditional Use for Two Dwellings Per Lot

1.51 acres out of NCB 17971

Property Location: 6739 John Marshall

Intersection of John Marshall and Babe Ruth

Proposal: To Develop a Mixed Residential Community

Neighborhood
Association: None

Neighborhood Plan: Huebner/Leon Creek Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:
Consistent

The Huebner/Leon Creek Community Plan calls for low density residential with single family dwellings. A rezone to the R-6 (CD - Multi-Family Dwellings) allowing 2 dwellings per lot and restricting the cumulative residential density to 7 units per acre does not require a plan amendment and allows consistency with the low density residential designation.

Approval

Infill development, especially those residential in nature, are encouraged in areas with existing like uses and higher densities are often preferred. The proposal, although not single family, is intended to be compatible with the density of the existing residential development in the area. The applicant is proposing 4 lots of at least 6,000 square feet with 2 units per lot.

The subject property, annexed in 1985, consists of 1.51 acres and is currently undeveloped. The existing R-6 zoning on the subject property and on most of the surrounding properties was applied through a formal rezoning action initiated by the city (Z2001196). The applicant is proposing an infill development project of 4 new lots, each having a duplex or 2 attached "garden" homes. The easternmost portion of the property is identified as a drainage easement and is undevelopable. The remaining portion of the property is large enough that the proposed number of dwellings does not exceed the density allowance of the current R-6 zoning district.

CASE NO: Z2006104 CD

Staff and Zoning Commission Recommendation - City Council

To the north, and to the east and west along John Marshall, are single family residences located within the Marshall Meadows subdivision, zoned R-6. Also to the east, but fronting on Eckert Road, is a mini-storage facility that also rents moving supplies. This property is zoned C-3 NA CD, having converted from B-3 NA SUP which was approved in 1993. There are properties to the south have a mix of both R-6 and MF-33 zoning with single and multi-family developments in the vicinity of Woodchase Drive and Westchase Drive.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006104 CD

ZONING CASE NO. Z2006104 – May 2, 2006

Applicant: Trinity Construction and Developments

Zoning Request: "R-6" Residential Single Family District to "RM-4" Mixed Residential District.

Paul Tausch, 16027 San Gitano, owner, stated he has met with the surrounding property owners and the representative from Leon Creek Homeowners Association who are in support of this request. He stated he is proposing to develop a mixed residential community on the subject property. He further stated he is in agreement of the "R-6" C as staff has recommended.

Staff stated there were 25 notices mailed out to the surrounding property owners, 5 returned in opposition and 0 returned in favor. Staff has mailed out 11 notices to the Planning Team and staff has received an email outside 200-foot radius expressing their opposition.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Gadberry to find consistency with the neighborhood plan.

(A verbal vote was taken.)

AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Sherrill, Wright,
Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Gadberry to recommend approval of "R-6" CD for multi family for two dwellings per lot.

Z2006104 CD

1. Property is located on 1.51 acres out of NCB 17971 at 6739 John Marshall.
2. There were 25 notices mailed, 5 returned in opposition and 0 in favor.
3. Staff recommends denial of "RM-4" and approval of "R-6" CD.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Sherrill, Wright,
Martinez, Stribling, Gray**

NAYS: None

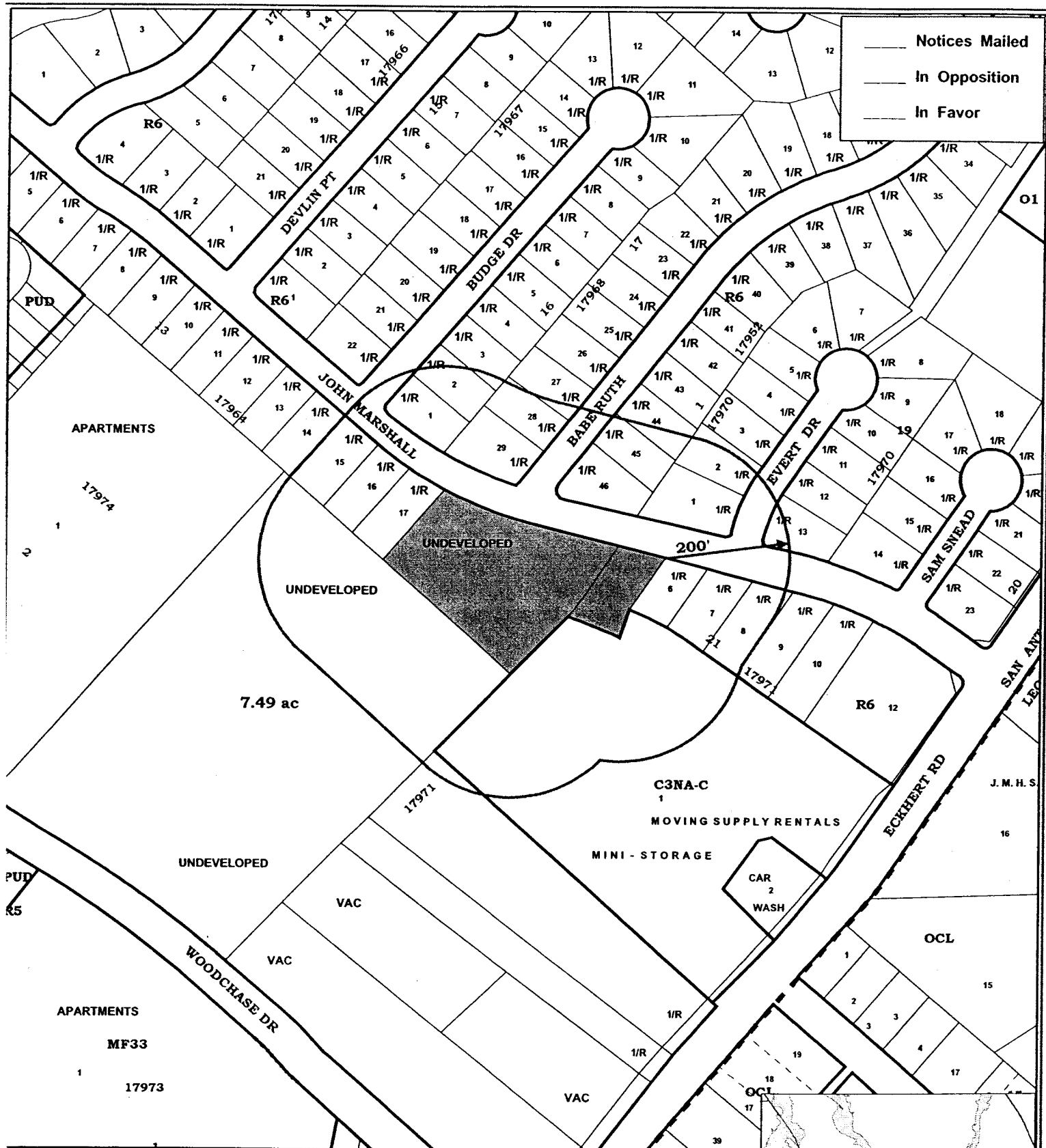
THE MOTION CARRIED

RESULTS OF COUNCIL HEARING June 1, 2006

City Council granted a continuance until June 15, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



ZONING CASE: Z2006-104 CD

City Council District No. 7

Requested Zoning Change

From "R-6"

To "R-6" CD

Date: June 15, 2006

Scale: 1" = 200'

Subject Property

200' Notification



C:May_2_2006

